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REMARKS

Currently pending in this application are claims 29-54, 56-64 and 66-81. Claims 1-38 were canceled in a prior amendment and claims 55,65 and 82 are canceled in this amendment.

Claim 36 has been amended to refer to solvents and to depend from claim 29.

Claim 38 has been amended to delete reference to castor oil.

Claim 42 has been amended to refer to solvents and to depend from claim 38.

Claim 53 has been amended to refer to solvents and to depend from claim 47.

Claim 56 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 63 has been amended to refer to solvents and to depend from claim 56.

Claim 66 has been amended to change addition to additive, correcting an obvious typographical error. The claim has also been amended to delete reference to castor oil.

Claim 74 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 80 has been amended to refer to solvents.

The examiner has rejected claims 36, 42, 53, 63, 70 and 80 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as "diluents when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 32, 49, 50, 56, 59, 60, 65, 66, 74, 77 and 82 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 32, 49, 59 and 76 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11th Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 50 and 55 as substantial duplicates. Claim 55 has been canceled rendering the rejection moot.

The examiner rejected claims 56, 66 and 74 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 60 and 65 as substantial duplicates. Claim 61 has been canceled rendering the rejection moot.

The examiner rejected claims 77 and 82 as substantial duplicates. Claim 82 has been canceled rendering the rejection moot.

The examiner has rejected claims 38, 41-44, 66 and 69-72 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and

alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 38 and 66 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 41-44 depend from claim 38 and claims 69-72 depend from claim 66. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

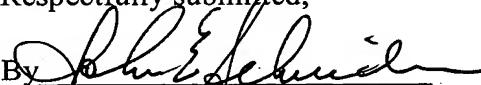
CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US2 (AKA ORYXENG.024A) from which the undersigned is authorized to draw.

Dated: June 28, 2004

Respectfully submitted,

By 
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Merriam- Webster's Collegiate® Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

ve-da-lla *\və-dä'lə* *n* [NL, genus name] (1889) : an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

Ve-dan-ta *\və-dän-tə*, *və-**dän-* *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *anta* end; akin to OE *ende* end] (1788) : an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — *Ve-dan-tism* *\və-dän-tizm*, *-dän-* *n* — *Ve-dan-tist* *\və-dän-**ti-st*, *-dän-* *n*

Ve-dan-tic *\və-dän-tik*, *-dän-* *adj* (1882) 1 : of or relating to the Vedanta philosophy 2 : *VEDIC*

Ved-da or Ved-dah *\və-də* *n* [Sinhalese *vedda* hunter] (1681) : a member of an aboriginal people of Sri Lanka

Ved-dold *\və-döld* *n* (1928) : a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — *Veddold adj*

ve-dette or vi-dette *\və-'det'*, *n* [F, fr. It *vedetta*, alter. of *veletta*, prob. fr. Sp *vela* watch, fr. *velar* to keep watch, L *vellare* to wake, watch, fr. *vigil* awake — more at *VIGIL*] (ca. 1611) : a mounted sentinel stationed in advance of pickets

Ve-dic *\və-dik'* *adj* (1848) : of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

vee *\vē* *n* (ca. 1883) 1 : something shaped like the letter V 2 : the letter v

vee-fay *\vē-fā'* *n* [video jockey] (ca. 1981) : an announcer of a program (as on television) that features music videos

veena var of *VINA*

veep *\vēp* *n* [fr. v. p. (abbr. for *vice president*)] (1949) : *VICE PRESIDENT*

veer *\vēr* *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *veren*] (15c) 1 : to let out (as a rope) 2 : to move suddenly — more at *VIBRATE*

veer *vb* [ME *veren*, fr. MF *verer*, fr. OF, to throw with a twisting motion, fr. VL *vibrare*, alter. of L *vibrare* to wave, propel suddenly — more at *VIBRATE*] *v* (15c) 1 : to change direction or course (the economy ~ed sharply downward) 2 : of wind : to shift in a clockwise direction — compare *BACK* 3 : to wear ship ~ v : to direct to a different course; specif. 7 : *WEAR* 7 syn see *SWERVE* — *veering-ly* *\vēr-lik'* *adv*

veer *n* (ca. 1611) : a change in course or direction (a ~ to the right)

vee-fry *\vēr-fē'* *n*, *pl* *veeries* [prob. *lmit*] (1838) : an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg *\vēg* *n*, *pl* *veg* (1918) chiefly Brit. : *VEGETABLE*

Ve-ga *\vē-gə*, *vā-* *n* [NL, fr. Ar. (*al-Nast*) *al-Waqf*, lit., the falling (vulture)] (ca. 1638) : the brightest star in the constellation Lyra

veg-ean *\vēg-ē-an* also *vā-* also *vē-jān* *n* [by conf. fr. *vegetarian*] (1944) : a strict vegetarian who consumes no animal food or dairy products; also : one who abstains from using animal products (as leather) — *vegan adj* — *vegan-ism* *\vēg-ə-nizm*, *vē-jā-nizm*

veg-e-ta-ble *\vēj-tə-bəl*, *vej-**ə-bəl* *adj* [ML, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at *WAKE*] (15c) 1 a : of, relating to, constituting, or growing like plants b : consisting of plants : *VEGETATIONAL* 2 : made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3 : resembling or suggesting a plant (as in inertness or passivity)

vegetable *n* (15c) 1 : *PLANT* 1b 2 : a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; also : such an edible part 3 : a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory *n* (1842) 1 : the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory 2 : *IVORY NUT*

vegetable marrow *n* (ca. 1816) chiefly Brit. : any of various smooth-skinned elongated summer squashes with creamy-white to deep green skins

vegetable oil *n* (1765) : an oil of plant origin; esp. : a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818) : *SALSIFFY*

vegetable pear *n* (1887) : *CHAYOTE*

vegetable wax *n* (1815) : a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-ble *\vēj-tə-bəl*, *vej-**ə-bəl* *adv* or *adj* (1651) : in the manner of or like a vegetable

veg-e-ta-tive *\vēj-tə-tiv* *adj* [ML *vegetare* to grow] (15c) 1 : *VEGETABLE* 2 : *VEGETATIVE* 3 : of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896) : the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see *BLASTULATION*

veg-e-tar-i-an *\vēj-tär'-ē-ən*, *vē-**tär-**ē-ən* *n* [*Vegetable* + *-arian*] (1839) 1 : one who believes in or practices *vegetarianism* 2 : *HERBIVORE*

vegetarian *adj* (1849) 1 : of or relating to vegetarians 2 : consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (~ diet)

veg-e-tar-i-ism *\vēj-tär'-ēzəm*, *vē-**tär-**ēzəm* *n* (ca. 1851) : the theory or practice of living on a vegetarian diet

veg-e-tate *\vēj-tāt'* *vb* *-tat-ed*, *-tat-ing* [ML *vegetatus*, pp. of *vegetare* to grow] *v* (1605) 1 a : to grow in the manner of a plant; also : to grow exuberantly or with proliferation of fleshy or warty outgrowths b : to produce vegetation 2 : to lead a passive existence without exertion of body or mind ~ v : to establish vegetation in or on

veg-e-ta-tion *\vēj-tā-tē-shən* *n* (1564) 1 : the act or process of vegetating 2 : inert existence 3 : plant life or total plant cover (as of an area) 4 : an abnormal growth upon a body part (as a *fibroma* ~ on the mitral valve) — *veg-e-ta-tion-al* *\vēj-tā-shən-əl*, *-shə-nəl* *adj*

veg-e-ta-tive *\vēj-tā-tiv*, *vēj-**ə-tiv* *adj* (14c) 1 (1) : growing or flavoring the power of growing (2) : of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (a ~ nucleus) b : promoting plant growth (the ~ properties of soil) c : of, relating to, or involving propagation by nonsexual processes or methods 2 : relating to, composed of, or suggesting vegetation 3 : of or

relating to the division of nature comprising the plant kingdom 4 : a : *AUTONOMIC* 1 b : characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5 : *VEGETABLE* 3 — *veg-e-ta-tive-ly* *adv* — *veg-e-ta-tive-ness* *n*

ve-ge-ta-te *\vēj-tāt'* *adj* [L *vegetus* — more at *VEGETABLE*] (1639) archaic : *LIVELY, HEALTHY*

veg-ge-ta-tion *\vēj-tā-shən* *n* [by shortening & alter.] (1955) 1 : *VEG-ETABLE* 2 slang : *VEGETARIAN*

veg-ge-ta-tive burger *n* (1972) : a patty chiefly of vegetable-derived protein used as a meat substitute; also : a sandwich containing such a patty

veg-out *\vēj'-ət'* *v* *veggied out*; *veg-ging out* [short for *vegetate*] (1980) : to spend time idly or passively

ve-hem-mence *\vē-hē-məns* *n* (15c) : the quality or state of being vehement: *INTENSITY*

ve-he-men-tly *\vē-hē-mənt-lik'* *adv* [ME, fr. MF, fr. L *vehement-, vehementi*, *venemus*, *venemus*] (15c) : marked by forceful energy : *POWERFUL* (a ~ wind); as a : intensely emotional: *IMPASSIONED, PERTINACIOUS* (b) 1 : deeply felt (a ~ suspicion) 2 : forcibly expressed (~ denunciations) c : bitterly antagonistic (a ~ debate) — *vehe-men-tly* *adv*

ve-hic-u-lar *\vē-hik-yoo-lär* *adj* (1616) 1 a : of, relating to, or designed for vehicles and esp. motor vehicles b : transported by vehicle

vehicle *n* (ca. 1600) 1 : caused by or resulting from the operation of a vehicle (~ homicide) 2 : serving as a vehicle

V-8 *\vē-ēt'* *n* (1930) : an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; also : an automobile having such an engine

veil *\vēl* *n* [ML, fr. AF *velle*, *vellere*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c) 1 a : a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; specif. b : the outer covering of a nun's headdress b : a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) c : any of various liturgical cloths; esp. 2 : cloth used to cover the chalice 2 : the life of a nun — often used in the phrase *take the veil* 3 : a concealing curtain or cover of cloth 4 : something that resembles a veil (a ~ of stars); esp. : something that hides or obscures like a veil (lift the ~ of secrecy) 5 : a covering body part or membrane: as a : *VELUM* b : *CAUL*

veil *vīl* *v* (14c) : to cover, provide, obscure, or conceal with or as if with a veil ~ v : to put on or wear a veil

veiled *\vēld* *adj* (14c) 1 a : having or wearing a veil or a concealing cover (a ~ hat) b : characterized by softening tonal distortion 2 : obscured as if by a veil: *DISMISSED* (~ threats)

veil-ing *\vēl-in'* *n* (13c) 1 : any of various light sheer fabrics 2 : *VELVET*

vein *\vēn* *n* [NL *vene*, fr. AF, fr. L *vena*] (14c) 1 a : a narrow water channel in rock or earth or in ice b (1) : *LODE* 2 (2) : a bed of useful mineral matter c : *LODE* 3 2 : *BLOOD VESSEL*; esp. : any of the tubular branching vessels that carry blood from the capillaries toward the heart 3 a : any of the vascular bundles forming the framework of a leaf b : any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4 : something suggesting veins (as in reticulation); specif. 2 : a wavy variegation (as in marble) 5 a : a distinctive mode of expression: *STYLE* (stories in a romantic ~) b : a distinctive element or quality: *STRAIN* (introduced an *average* ~ of humor) c : a line of thought or action (renewed discussion along the same ~) 6 a : a special aptitude (inherited an artistic ~) b : a usu. transitory and casually attained mood c : top form (thou troublest me; I am not in the ~ — *Shak.*) — *vein-alm* *\vē-n'əl* *adj*

vein *vīn* (1502) : to pattern with or as if with veins

veined *\vēnd* *adj* (ca. 1529) : patterned with or as if with veins : having venation: *STREAKED* (~ leaf) (~ marble) (~ cheese)

vein-e *\vē-nēr* *n* (1895) : a small V gouge used in wood carving

vein-leaf *\vē-nē-lēf* *n* (1831) : a small vein

veiny *\vē-nē* *adj* (1611) : full of veins: noticeably veined (~ hands)

vei abbr *velocity*

ve-la-men *\vē-lā-mən* *n*, *pl* *ve-la-men* *\vē-lā-mə-nə* *n* [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882) : the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-la-ri-*lar* *\vē-lār* *adj* [NL *velaris*, fr. *velum*] (1876) 1 : formed with the back of the tongue touching or near the soft palate (the ~ of *Vellal*) 2 : of, formed, or relating to a velum and esp. the soft palate — *velar n*

ve-la-ri-um *\vē-lār-ē-əm* *n*, *pl* *la* *\vē-lār-ē-əl* [L, fr. *velum* curtain] (1834) : an awning over an ancient Roman theater or amphitheater

ve-la-ri-za-tion *\vē-lār-ē-zā-shən* *n* (1915) 1 : the quality or state of being velarized 2 : an act or instance of velarizing

ve-la-ri-ze *\vē-lār-ēz* *v* *-ized*; *-iz-ing* (1915) : to modify (as the V of *Vellal pool*) by a simultaneous velar articulation

Velcro *\vēl-kro'* trademark — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

veild or veild *\vēlt*, *vēlt* *n* [Afrik. *weld*, fr. D, field; skin to OB *feld* field] (1835) : a grassland esp. of southern Africa usu. with scattered shrubs or trees

veil-ler *\vē-lēr*, *vē-lēr* *n* [NL *velletas*, fr. L *velle* to wish, will — more at *WILL*] (1618) 1 : the lowest degree of volition 2 : a slight wish or tendency: *INCLINATION*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,601	02/26/2002	Frederick L. Jordan	ORYXE.024A	1629
26271	7590	05/19/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			TOOMER, CEPHIA D	
		ART UNIT	PAPER NUMBER	1714

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

JUN 28 2004

Application No. 10/084,601 Examiner Cephia D. Toomer	Applicant(s) JORDAN, FREDERICK L. Art Unit 1714
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 29-82 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 29-31,33-35,37,47,48,51,52 and 54 is/are allowed.
 6) Claim(s) 32,36,38,41-44,49,50,53,55,56,59,60,63,65,66,69-72,74,76, 77,80 and 82 is/are rejected.
 7) Claim(s) 39,40,45,46,57,58,61,62,64,67,68,73,75,78,79 and 81 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) _____
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/03.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

This Office action is in response to the amendment filed February 26, 2004 in which claims 1-28 were canceled and claims 29-82 were added.

The Double Patenting rejection is withdrawn in view of the Terminal Disclaimer.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 36, 42, 53, 63, 70 and 80 and their dependents are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original filed specification and claims, claim 10 for instance, do not support benzene, o-xylene, m-xylene, p-xylene, cyclohexane, hexane, octanes, nonane, 2-cycle oil, gasoline and resid fuel as a diluent for the additive composition. The specification teaches that these compounds are used as solvents.

3. Claims 32, 49, 50, 55, 56, 59, 60, 65, 66, 74, 77, 82 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Art Unit: 1714

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32, 49, 59 and 76 are rejected because it is not clear how the vegetable oil and nut oil thermal stabilizers differ from the plant oil extract derived from grain.

Vegetables and nuts are also grains.

Claims 50 and 55 are substantial duplicates.

In claims 56, 66 and 74, "addition" should read – additive --.

Claims 60 and 65 are substantial duplicates.

Claims 77 and 82 are substantial duplicates.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 38, 41-44, 66 and 69-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (US 5,826,369).

Jordan teaches a carbonaceous fuel composition comprising a fuel additive of beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract), ethoxylated castor oil (thermal stabilizer) and cetane improvers (see abstract; col. 2, lines 11-22). The carbonaceous fuel includes gasoline, diesel fuel, heavy fuel oil (resid), etc. (see col. 2, lines 23-43). The fuel additive may be diluted with a solvent such as gasoline, toluene,

diesel fuel and alcohols (see col. 2, line 60 through col. 3, lines 1-6). Jordan teaches that the ethoxylated castor oil provides enhanced combustion characteristics and reductions in pollutant emissions.

Accordingly, Jordan teaching all the limitations of the claims anticipates the claims.

6. Claims 29-31, 33-35, 37, 47-48, 51-52 and 54 are allowed. The prior art fails to teach or suggest the additive combination of a plant oil extract derived from grain, a carotenoid and a thermal stabilizer.

7. Claims 39, 40, 45-46, 57-58, 61-62, 64, 67-68, 73, 75, 78-79 and 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest a plant oil extract that is derived from a member of the Leguminosae family or grain.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cephia D. Toomer
Primary Examiner
Art Unit 1714

NOV 06 2003 JC68 U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE		ATTY. DOCKET NO. JIAHENG.024A	APPLICATION NO. 10/084,601
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
(USE SEVERAL SHEETS IF NECESSARY)			
		APPLICANT Jordan, F.	
		FILING DATE 02/26/02	GROUP 1714

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
CDT	1	2,582,192	01/08/52	Denison			
CDT	2	4,208,190	06/17/80	Malec			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES	NO	
CDT	3	EP 0457589 A1	11/21/91	Europe			

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EXAMINER	<i>C. Jordan</i>	DATE CONSIDERED	<i>5/04</i>
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.			